

## **Coal Creek Watershed Coalition Minutes**

March 28, 2006

The meeting began at 1:30. Those in attendance were: Mark Hatcher, Tyler Martineau, Wendy Brown, Steve Glazer, Harvey Castro, John Hess, LC Adams, Steve Renner, Michele Simpson, and Hilary Mayes.

### **Agenda**

5 items to discuss:

1. Update on the Keystone Mine discharge permit renewal
2. Gunnison Basin water quality rulemaking
3. Water sampling locations / volunteer training
4. Review watershed coordinator positions
5. Discuss SMAG meeting to be held 03/29

#### **1. Update on the Keystone Mine discharge permit renewal:**

Steve Glazer began by discussing the telephone conversation between Laura Magner, David Baumgarten, Steve Glazer, and Tyler Martineau, and Gary Beers and David Akers from the Division (approximately one month ago):

The CCWC submitted 18 pages of comments on the discharge permit renewal in February. The Division has not completed their review and only the first few items were covered during the conversation. CCWC folks were unhappy with the Division's responses. They said that provisions of the Colorado regulations (in regard to backsliding) don't apply in this case. Steve Glazer asked for a written response to clarify what was said during the conversation and he still hasn't heard back.

Steve recently called Gary Beers to find out the status of the permit renewal and Gary said they're working on it and waiting for a legal opinion from the attorney general's office. They are almost done reviewing technical issues.

Tyler said that in December the Division was really soliciting comments (both technical and policy level). He wonders if we pushed them beyond their comfort level and put them on the defensive.

Steve said he believes that what we are getting now is the 'official' response from the Division.

Wendy asked if the process would have been easier if we did it without lawyers.

Steve replied "No".

#### **2. Gunnison Basin water quality rulemaking:**

Every 5 years the state adopts standards that are guidelines for the entire state. This was done in June, 2005. The State then holds rulemaking hearings in each basin. The Gunnison, Lower Dolores and San Juan Basins will have their hearings in June, 2006.

The Division made a proposal for changes to basin standards.

Concerns to the Gunnison Basin stakeholders include issues with ranchers.

Classifications for recreation use changed in June '05 and now it's time to implement these changes.

The attorney for Phelps-Dodge wanted to set site-specific standards for Coal Creek. HCCA objected. They wanted temporary modifications (TMs). The state followed HCCAs request and maintained the TMs. They come up for renewal every 5 years. The State is now proposing the following changes:

Segment 11 – remove the TMs because there is no discharge permit holder

Segment 12 – The limit (?) for Zinc should be lowered

Temporary modifications allow the permit holder additional time to investigate sources of pollution. If the underlying standard can't be met, a site-specific standard will be set. Tyler said that the stakeholders support what the state is proposing, which is to continue TMs in Coal Creek, with some changes. We hope to have the stream cleaned with within 5 years.

Tyler then mentioned that somewhere between the Keystone Mine discharge pipe and where the water flows into Coal Creek, contaminated water is entering the creek. There was discussion about it being possibly from groundwater or perhaps the rip rap was built with mineralized rock (mine waste). This needs to be examined further.

Tyler said that the flow at the culvert is higher than the flows coming out of the plant. Metals concentrations are sometimes 10 times higher than what is coming out of the treatment plant.

Steve Renner said that in regard to Standard Mine, putting in a plug is not a good treatment option. It means that groundwater high in metals will start coming out of the ground somewhere else.

Steve Glazer then discussed trout pollution sensitivity and suggested that, if cutthroat trout are present, we ask the EPA to set cleanup goals for Cutthroat Trout rather than Brook Trout, as Cutthroat are more sensitive to metals.

## **2. Water sampling locations / volunteer training**

In Spring, 2005 the EPA didn't capture the highest amount of metals (due to timing) during their sampling. April/May metals concentrations are much higher. This could be coming from:

1. waste rock on the surface
2. upstream at Elk Creek
3. the iron fen

USGS has sampled for metals 6x/yr for the last 5 years. They don't always sample at the same time every year, but one of these sampling dates is in March/April. Tyler looked at metals concentrations and they were 5 times as high as concentrations seen during the peak June flows.

Wendy discussed a study from the 1980s where detritus-eating insects were examined. Maybe we should examine metals concentrations on these bugs.

She also mentioned insect community structure changes with pollution.

Monitoring Plan: There are 21 water quality monitoring sites. We need to reduce that number to 10 sites now that we have conducted the first monitoring event.

Tyler suggested that someone review the data from fall '05 to decide which 10 sites to use and that the data should be compared with WAQ standards.

The group then went on to select the 10 sites (without examining the data). These are:

- 1- Irwin above COAL25 (also sample for E coli)
- 1 - Wildcat – WILD00
- 3 - Elk Creek – COAL21, COAL15, ELK00
- 1 - Iron Fen – BOG00
- 1 – Above the confluence with Slate River – COAL00
- 3 - Keystone Mine – KEY00, COAL10, COAL05

These sites will continue to give us a broad representation of the watershed and if we find the data supports changing the locations, we can do that later.

If the EPA samples 27 sites this spring, CCWC doesn't have to sample now.

Steve Renner said if we have overlapping sites with the EPA, there is no need to duplicate information. We should eliminate sites that the EPA is sampling.

April 20<sup>th</sup> was chosen as the date to sample if the EPA does not sample. Wendy will write up a protocol for calibration.

### **3. Watershed coordinator position**

Resumes for watershed coordinator position were reviewed. Two applicants will be contacted for interviews.

### **4. SMAG Issues (Standard Mine Advisory Group)**

There was discussion about hiring a technical person to help consider the data and interpretation of the water quality data generated by EPA. An expert in mine remediation, or a company like HydroGeo, Inc. that could interpret data and hire subcontractors for mine remediation, would be good.

Who will respond to the Standard Mine conceptual plan? Will CCWC respond as a group or as individuals? Or should they respond as SMAG?

Steve Renner would like to see specifics before they put Elk Creek in a pipe around the tailings pond.

Dan Brauch of the DOW called Steve Glazer at the end of the meeting to talk about fish sampling in Coal Creek. He has been evaluating information from the 1980's and confirms there were Brook trout, Brown trout, and Cut throat trout at that time, above Keystone and below the Iron Fen. He wants to do a fish evaluation in 2006 to examine type, size, weight, etc. This may be good information when deciding on levels of cleanup.

The meeting was adjourned at 4:40 p.m.

**Interviews are scheduled for the morning of 4/7**

**Next meeting April 10 and 9:00 a.m.**

Agenda:

1. Approval of minutes
2. Conceptual plan comments.